

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11
	:
LEHMAN BROTHERS HOLDINGS INC. <i>et al.</i> ,	: Case No. 08-13555 (SCC)
	:
Debtors.	: Jointly Administered
	:
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**SUPPLEMENTAL DECLARATION OF MARC DE LEEUW**

Marc De Leeuw hereby declares as follows:

1. I am a member of the Bar of this Court and of Sullivan & Cromwell LLP, counsel in the above-captioned action for Claimants Canary Wharf Management Limited, Heron Quays (HQ2) T1 Limited and Heron Quays (HQ2) T2 Limited (collectively, “Canary Wharf”). I submit this declaration to provide the Court with (i) English law decisions and a treatise cited in the Canary Wharf Claimants’ Memorandum in Further Support of Their Motion for Summary Judgment and in Opposition to Lehman’s Cross-Motion for Summary Judgment (the “Memorandum”), and (ii) evidentiary materials cited in the Memorandum and/or the Canary Wharf Claimants’ Response to Lehman’s Statement of Undisputed Material Facts Pursuant to Local Rule 7056-1 (the “Response”). The numbering of the exhibits herein continues from the exhibits submitted with my declaration filed on March 14, 2014 with Canary Wharf’s motion for summary judgment (ECF# 43540).

**English Law Decisions and Treatise**

2. Attached hereto as Exhibit 26 is a copy of the decision by the Civil Division of the Court of Appeal of England and Wales in *Clement v. Clement* (Oct. 20, 1995) (unreported).

3. Attached hereto as Exhibit 27 is a copy of the decision by the Queen's Bench Division (Commercial Court) of the High Court of England and Wales in *ABN Amro Commercial Finance Plc v. McGinn*, [2014] EWHC 1674.

4. Attached hereto as Exhibit 28 is a copy of the decision by the Chancery Division of the High Court of England and Wales in *CDV Software Entertainment AG v. Gamecock Media Europe Ltd.*, [2009] EWHC 2965.

5. Attached hereto as Exhibit 29 is a copy of the decision by the House of Lords in *National Carriers v. Panalpina (Northern)*, [1981] AC 675.

6. Attached hereto as Exhibit 30 is a copy of the decision by the King's Bench Division of the High Court of England and Wales in *Gray v. Owen*, [1910] 1 KB 622.

7. Attached hereto as Exhibit 31 is a copy of the decision by the Queen's Bench Division of the High Court of England and Wales in *Marshall v. Mackintosh*, [1898] 78 LT 750.

8. Attached hereto as Exhibit 32 is a copy of the decision by the Chancery Division of the High Court of England and Wales in *Goldacre LTD v. Nortell Networks LTD*, [2009] EWHC 3389.

9. Attached hereto as Exhibit 33 are excerpts (cover pages and pages ix-xvii, 1-16, 60-61, 326, 381, 404-411, 543, 609, and 775-776) from *Law of Guarantees* by Geraldine Mary Andrews, QC and Richard Millett, QC (2011).

Evidentiary Materials Cited in the Memorandum and the Response

10. Attached hereto as Exhibit 34 are excerpts (cover page and pages 7-8, 12, 17, 20-21, 32-35, 37-39, 49-50, 53, 60-61, 69-73, 93-94, 105, 125, 192, 239-46, and 251) of the transcript of the June 18, 2013 deposition of Sir George Iacobescu in this proceeding.

11. Attached hereto as Exhibit 35 is a copy of a May 20, 2013 Notice of Deposition of Lehman Brothers Holdings, Inc. in this proceeding.

12. Attached hereto as Exhibit 36 is a copy of a June 19, 2013 letter from me, as counsel for Canary Wharf, to Peter Isakoff, as counsel for Lehman.

13. Attached hereto as Exhibit 37 is a copy of certain June 19, 2013 emails between Peter Isakoff, as counsel for Lehman, and Andrew Gelfand, as counsel for Canary Wharf.

14. Attached hereto as Exhibit 38 are excerpts (cover page and pages 29-34, 39-40, 114-17, 137-44, and 163) of the transcript of the June 15, 2013 deposition of Richard Krasnow in this proceeding.

15. Attached hereto as Exhibit 39 is a copy of certain June 4, 2013 emails between Frank Bartolotta and Arielle Gordon, as counsel for Lehman, bearing production numbers LBHI\_CW0012607 to LBHI\_CW0012609.

16. Attached hereto as Exhibit 40 is a copy of the transcript of the May 7, 2014 deposition of Frank Bartolotta in this proceeding.

17. Attached hereto as Exhibit 41 is a copy of the March 27, 2014 Affidavit of Frank Bartolotta, filed on March 28, 2014 in this proceeding (ECF# 43804-1).

18. Attached hereto as Exhibit 42 are excerpts (cover page and pages 27, 46, 63-68, 102-05, 107, 109-10, 116-17, 140-41, 147, 155-56, 163-64, 169, 180, 196, 251-52, and 259-60) of the transcript of the September 12, 2013 deposition of Richard Millett in this proceeding.

19. Attached hereto as Exhibit 43 are excerpts (cover page and pages 13, 20-23, 30-32, and 46) of the transcript of the September 4, 2013 deposition of Laurence Rabinowitz in this proceeding.

20. Attached hereto as Exhibit 44 are excerpts (cover page and pages 99-100, 107-110, and 166) of the transcript of the June 20, 2013 deposition of Pamela Kendall in this proceeding.

21. Attached hereto as Exhibit 45 are excerpts (cover page and pages 12, 63-64, 67-68, 126, 134-36, and 147-148) of the transcript of the June 27, 2013 deposition of Daniel Ehrmann in this proceeding.

22. Attached hereto as Exhibit 46 are excerpts (pages 1-20) of the transcript of the January 16, 2013 hearing before the Hon. James M. Peck in this proceeding.

23. Attached hereto as Exhibit 47 is a copy of a February 1, 2013 letter from David Tulchin, as counsel for Canary Wharf, to Peter Isakoff, as counsel for Lehman.

24. Attached hereto as Exhibit 48 is a copy of a February 5, 2013 letter from Peter Isakoff, as counsel for Lehman, to David Tulchin, as counsel for Canary Wharf.

25. Attached hereto as Exhibit 49 is a copy of an April 16, 2010 letter sent by Linklaters LLP to Clifford Chance LLP, bearing production numbers CW0018843 to CW0018845.

26. Attached hereto as Exhibit 50 is a copy of an August 13, 2010 letter sent by Christopher Henderson, Group Legal Counsel for Canary Wharf Group plc (Canary Wharf's parent company), to Jeremy Clay of the firm of Mayer Brown International LLP, bearing production numbers CW0001546 to CW0001555.

27. Attached hereto as Exhibit 51 is a copy of certain September 30, 2010 emails between Sir George Iacobescu and Mike Jervis, bearing production numbers CW0000550 to CW0000551.

28. Attached hereto as Exhibit 52 is a copy of a September 29, 2010 email from Daniel Ehrmann to Debra Cash, bearing production numbers LBHI\_CW0006007 to LBHI\_CW0006009.

29. Attached hereto as Exhibit 53 is a copy of certain September 30, 2010 emails between Sir George Iacobescu, Mike Jervis and Pamela Kendall, bearing production number CW0000546.

30. Attached hereto as Exhibit 54 is a copy of a September 30, 2010 email from Sir George Iacobescu to Tony Briam, Peter Anderson, Richard Archer, Russell Lyons, Pamela Kendall, Christopher Henderson, Rhys Thomas, and Peter Kyte, bearing production numbers CW0000539 to CW0000541.

31. Attached hereto as Exhibit 55 is a copy of certain September 27, 2010 and October 4, 2010 emails between Debra Cash and Pamela Kendall, bearing production numbers CW0032393 to CW0032395.

32. Attached hereto as Exhibit 56 is a copy of a November 2, 2010 email from Debra Cash to Pamela Kendall, Daniel Ehrmann, and Kristen Zavo, bearing production numbers LBHI\_CW0005810 to LBHI\_CW0005817.

33. Attached hereto as Exhibit 57 is a copy of certain October 26 and 27, 2010 emails between Pamela Kendall and Debra Cash, bearing production number CW0001182.

34. Attached hereto as Exhibit 58 are excerpts (cover email and letter without attachments) of an October 13, 2010 email from Pamela Kendall to Mandy Reeves, bearing production numbers CW0032288 to CW0032291.

35. Attached hereto as Exhibit 59 is a copy of certain December 6, 2010 emails between Richard Krasnow, as counsel for Lehman, and Tony Briam, bearing production numbers LBHI\_CW0009831 to LBHI\_CW0009833.

36. Attached hereto as Exhibit 60 is a copy of certain December 6, 2010 emails between Richard Krasnow, as counsel for Lehman, and Andrew Dietderich, as counsel for Canary Wharf, bearing production numbers LBHI\_CW0010941 to LBHI\_CW0010944.

37. Attached hereto as Exhibit 61 is a copy of a December 1, 2010 email from Richard Krasnow, as counsel for Lehman, to Daniel Ehrman, Debra Cash, and Erika Del Nido, bearing production numbers LBHI\_CW0006473 to LBHI\_CW0006475.

38. Attached hereto as Exhibit 62 is a copy of certain December 8 and 9, 2010 emails between Rupert Jones and Richard Krasnow, as counsel for Lehman, bearing production numbers LBHI\_CW0010178 to LBHI\_CW0010182.

39. Attached hereto as Exhibit 63 is a copy of a December 8, 2010 email between Andrew Dietderich, as counsel for Canary Wharf, and Richard Krasnow, Rupert Jones, and Erika Del Nido, as counsel for Lehman, bearing production number LBHI\_CW0006527.

40. Attached hereto as Exhibit 64 is a copy of a March 12, 2011 email from Andrew Dietderich, as counsel for Canary Wharf, to Richard Krasnow, as counsel for Lehman, bearing production numbers LBHI\_CW0011276 to LBHI\_CW0011279.

41. Attached hereto as Exhibit 65 are excerpts (cover page and pages 195-197) of the transcript of the June 19, 2013 deposition of Anthony Briam in this proceeding.

42. Attached hereto as Exhibit 66 is a copy of a September 17, 2010 article from The Independent titled “JP Morgan eyes Lehman tower in potential snub to Government.”

43. Attached hereto as Exhibit 67 is a copy of certain December 6, 2010 emails from Andrew Dietderich, as counsel for Canary Wharf, to Richard Krasnow, as counsel for Lehman, bearing the production numbers CW0010435 to CW0010436.

44. Attached hereto as Exhibit 68 are excerpts (cover pages and page 9) of a December 20, 2010 Agreement Relating to the Grant of a Lease of 25 Bank Street, bearing production numbers CW0005282 to CW0005293.

45. Attached hereto as Exhibit 69 are excerpts of Lehman Sub Joint Administrators’ Progress Reports from October 13, 2009 (cover page and pages 1, and 11-12), April 13, 2010 (cover page and pages 1 and 4), October 12, 2010 (cover page and pages 3, and 4-5), and April 13, 2011 (cover page and pages 3-5).

46. Attached hereto as Exhibit 70 is a copy of a January 29, 2013 letter from Peter Isakoff, as counsel for Lehman, to David Tulchin, as counsel for Canary Wharf.

47. Attached hereto as Exhibit 71 are excerpts (pages 1-32) of the transcript of the February 13, 2013 hearing before the Hon. James M. Peck in this proceeding.

48. Attached hereto as Exhibit 72 is a copy of a July 15, 2013 Further Declaration of Richard Millett, QC in this proceeding.

49. Attached hereto as Exhibit 73 are excerpts (cover page and pages 48, 149-160) of an April 19, 2007 prospectus for bonds issued by Canary Wharf Finance II plc.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on June 26, 2014.

/s/ Marc De Leeuw  
Marc De Leeuw